



DEPARTMENT OF THE NAVY
NAVAL AIR SYSTEMS COMMAND
WASHINGTON, D.C. 20381

IN REPLY REFER TO
NAVAIRINST 5801.1
AIR-00C
24 Nov 1980

NAVAIR INSTRUCTION 5801.1

From: Commander, Naval Air Systems Command
To: Deputy Commander, Assistant Commanders, Comptroller, Command
Special Assistants, Designated Project Managers, Project
Coordinators, Office and Division Directors

Subj: Service of process and subpoenas upon the Naval Air Systems
Command Headquarters

Ref: (a) SECNAVINST 5430.25D of 1 Dec 1977
(b) JAG Manual

1. Purpose. This instruction discusses procedures to be observed when an employee of the Naval Air Systems Command Headquarters (NAVAIR HQ), past or present, is served a complaint or is subpoenaed to testify or to produce documents at a trial or deposition.

2. Information. The Office of Counsel (AIR-00C) will act as liaison between the employee and the Office of General Counsel, Litigation Division or the Office of the Judge Advocate General. References (a) and (b) describe the subject matter jurisdiction of these offices.

3. Procedures

a. Subpoenas

(1) Whenever an employee, past or present, is subpoenaed to testify or produce records for a trial or deposition, and the subject matter of the proceeding arises out of the operations of the Navy or is otherwise of substantial interest to it, the employee should immediately contact AIR-00C. If served at home, the employee should notify AIR-00C on the next working day. AIR-00C shall act as liaison for all such matters and will assist employees in processing the necessary documents and forwarding to the appropriate personnel.

(2) The above procedure should be followed even if NAVAIR HQ is not a party to the suit. Examples include: (1) court actions between a contractor and subcontractor where a NAVAIR HQ employee is subpoenaed to testify concerning his official duties and (2) asbestos litigation.

(3) After initial notification, the employee should provide the following information, in writing, to AIR-00C:

(a) Name of parties to the proceeding.

(b) Nature of the action.

(c) Correct designation of the tribunal in which the proceeding is brought.

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- (d) Docket number of case, if available.
- (e) Name of the person or persons subpoenaed and date of subpoena.
- (f) Explanation of Government's interest in the proceeding.
- (g) Date by which the defendant must plead or otherwise respond.
- (h) Status of the defendant as being a Government officer, employee, agent, contractor, nonappropriated fund activity employee, etc.
- (i) Amount claimed, or other relief sought.
- (j) Such other available information as may be necessary for a full understanding of the action to enable the Government to prepare a defense.

b. Service of Process

(1) Employees who accept service of process shall always note on the documents that service is accepted for any named defendant in the named defendant's official capacity only. Employees should never accept process for a named defendant if the named defendant is only being sued in his individual capacity.

(2) Upon being served a complaint in an official capacity, or being sued individually over actions taken while an employee or service member of the Department of Navy, the employee should immediately notify by phone the Office of Counsel, AIR-00C.

(3) A copy of the complaint and the information outlined in paragraph 3 of this instruction should be forwarded to AIR-00C.


E. R. SEYMOUR

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